



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

DOMESTIC VIOLENCE RESPONSE TASK FORCE

MINUTES

FRIDAY, JULY 24, 2015
City Council Committee Room
Honolulu, Hawaii

MEMBERS PRESENT:

Co-Chair Catherine Betts, State Commission on the Status of Women
Co-Chair Larry Lawson, Major, Honolulu Police Department
Julie Ebato, Department of the Attorney General, Crime Prevention and Justice Assistance Division
Pamela Ferguson-Brey, Crime Victim Compensation Commission
Anna Fernandez, Department of the Prosecuting Attorney
Dr. Val Kalei Kanuha, University of Hawaii, Department of Sociology
Judy Kawano, Department of Human Services
Maureen Kiehm, Hawaii State Judiciary, First Circuit Court
Nanci Kreidman, Domestic Violence Action Center
Marci Lopes, Hawaii State Coalition Against Domestic Violence
Mary Anne Magnier, Department of Attorney General, Family Law Division
Pamela Tamashiro, Family Justice Center, Department of the Prosecuting Attorney
Shawn Tsuha, Department of Public Safety

OTHERS PRESENT:

Keith Horikawa, Honolulu Police Department
Mark Matsusaka, Honolulu Police Department
Jocelyn De Guia, Department of the Attorney General

The meeting of the Domestic Violence Response Task Force was called to order at 9:35 a.m.

1. Minutes of June 22, 2015 Meeting

Members reviewed the minutes and discussed the idea of self-assessment raised in the previous meeting as described in the minutes, with an update on where members currently stand on self-assessments.

Marci Lopes reported that she had brought together many of the Coalition's DV providers and they all agreed to participate in the self-assessment. When ready to move forward with that, coalition members asked that the Task Force send out a formal letter reminding them and giving them timelines.

Julie Ebato reported that while it was hard to find an assessment tool for state and county agencies, she suggested one tool that was meant for a service provider agency could be used as a possible template for other agencies. Copies of the report *Domestic Violence Response: A Community Framework for Maximizing Women's Safety* were distributed for informational purposes to Task Force members. She suggested that replacing the word "agency" for "community" in the document would help members understand how it could be used for their organization. The evidence-based tool originated from British Columbia. The purpose of the tool was to guide agencies in asking questions internally, in five different areas, and use the information as a starting point for self-assessment.

Members discussed which state and city agencies would be included in requesting a self-assessment. The focus would be on interveners in domestic violence cases or agencies that deal with victims directly. Major Lawson from HPD agreed to participate on a self-assessment, depending on information being asked.

On the city level, members agreed that those city agencies represented on the task force would be asked to participate, as well as EMS, Dispatch, and Fire Department, who also respond to DV cases.

Maureen Kiehm reminded task force members that city level agencies should be prioritized, followed by the state and judiciary entities. She expressed concerns that the task force not get sidetracked, and the intent of the resolution become lost.

Major Lawson read the Be It Resolved clauses of Resolution 15-25, FD1 to help focus the discussion.

Cathy Betts reminded members that they need a collaborative effort in order to tease out where the gaps in services are and what can be done to improve them for victims and survivors. She believes that self-assessments are aligned with the goals of the resolution and are needed in order to get a baseline to start from, in terms of what agencies need to improve, or what agencies need help with, in order to adequately serve victims. Once the assessments were received, she would want to make recommendations based on those self-assessments to city council, either for resources, or further training, or some assistance to those folks who identify that they need it.

With regard to state agencies, members suggested focusing on the state agencies currently represented on the Task Force for the self-assessment, before expanding the possible pool. Additional agencies could include: Department of Health, Public Defender's Office, various divisions within the Hawaii State Judiciary, and the Public Safety Department, to include parole, probation and the sheriff's department.

Julie Ebato offered to write a memo, explaining what the "ask" is with regard to the assessment tool she is suggesting. She will circulate an email for members to review for approval/discussion at the next meeting.

Major Lawson suggested that once the self-assessments are completed, they might help agencies identify the system-wide changes that are needed, with the ultimate goal

being to improve things for everyone, and at the city level at least, to improve responses to domestic violence.

Shawn Tsuha suggested that his agency would use the information to approach the legislature. He is aware that his agency has gaps, and the legislature is the agency's funding source and resource approval mechanism. After a self-assessment, with something in black and white, he feels he can take that information to the legislature, and hopefully other agencies at the Task Force will also get behind him and support his requests.

Dennis Dunn said there is more impact if the city as a body reflects the information collected by the Task Force agencies, and then approaches the legislature as the city council.

Members agreed to send the request for assessment out at the end of August, after the August 24th meeting, and further discussion. PSD estimated that it would take a month to complete.

Nanci Kreidman suggested October as the date of completion, which would provide an opportunity to prepare ahead of the new legislative session if something emerges, as well as the city council budget cycle. This is assuming the task force members and other agencies agree to use the tool.

Maureen Kiehm made a motion to approve the minutes as written. Nanci Kreidman seconded the motion and the motion was approved.

3. For Discussion: Review of Preliminary Report Recommendations from the May 1, 2015 Domestic Violence Response Task Force Preliminary Report to the Council:

- a) *Bullet Point #3 Data Collection and Information Sharing: Develop a Statewide mechanism (interagency-state, and city-accessible) to collect and share reliable data from all agencies and providers.*

Discussion focused on: data gathering, data integration, differences between agencies in gathering data, what data is actually useful and for what purpose is data gathered.

Cathy Betts pointed out that, from the Women's Legislative caucus perspective, whenever they ask for basic statistics on DV, and the response to DV, such as how many calls came in on what day, the Commission has to refer legislators to eight different agencies just to collect that information. She believes that useful information would be data that captures what happens in a day to a survivor of Domestic Violence.

Major Lawson noted that there is no one program or means of tracking data, or one source for information that everyone is putting data into, or pulling from. The systems also don't talk to each other, whether it is city/county system or state system.

Julie Ebato noted that agencies have different purposes for data collection due to funding requirements, which also causes complexity. She reported that the Attorney

General's office did try to develop one system - one central database - but there were a lot of problems with that. It did not succeed.

There was some discussion about whether it was important to agree on what baseline data to capture, or to start where agencies are currently already with existing data collection.

Dr. Kanuha asked whether there really was a need to integrate different data sources and databases and if so, toward what end. She pointed out that mixing of data actually creates a much more cumbersome system that people may not actually be able to use. She suggested asking the following: 1) What data are people collecting, 2) What kinds of data that people are collecting are helpful, and 3) whether there are any pukas in what agencies want to know, that they don't know.

She advised against collecting data unless there was a plan to use it. Integration or having a statewide mechanism is very cumbersome and very costly. She suggested looking at what other jurisdictions were doing with regard to more integrated data collection systems. If that type of integration is not being done, Hawaii should not attempt it. It may be more beneficial to look at what other jurisdictions are doing to make data accessible, not necessarily integrated. The point is to make sure that survivors are safe and there is accountability. She offered to look into this for the next meeting.

Julie Ebato pointed out that a great deal of data that is being gathered for the STOP implementation plan does not actually reveal much in terms of correlation, i.e. whether there is an increase, or decreases, whether prevalence has changed at all in the community.

Nanci Kreidman also said that data that is collected is limited in that it doesn't necessarily reveal the types of violence that occur in DV cases (trespassing, kidnapping, sexual violence) where the numbers aren't accurately reflective of those incidents or program services.

Dennis Dunn agreed that part of the problem is that data collection is driven by funders, and the requirements they have. It forces agencies to structure data collection processes, which is not always the most helpful information, but is what the funder requires. For example, Victim Witness reports on the number of people served but that does not reflect the number of services provided to that individual. Which is much more reflective of what agencies are actually doing.

Members also discussed the burden on staff and resources for collecting data.

Dr. Kanuha suggested asking the question what kind of data do we all want, and for what purpose? Different agencies may want data for different purposes. What is not represented very well by data collected is efficacy. An agency may be serving 1000s of people but how well? The police department may be arresting more people, but so what? One agency may want the data because legislators call and they want to know

how many survivors and children are served every day, or HPD would want to know how many alleged assailants are arrested what happens to them. A purpose for the data collection could be to decide there are 15 things all agencies want to collect because all agencies can use that for policy, funding, efficacy, and to set priorities.

Dennis Dunn pointed out that data can also be collected to provide feedback to agencies to let them know how well they are doing. He cited the example of a pilot program his agency had done in the past, through volunteer efforts, to track the disposition of misdemeanor DV cases, and to inform the police department of the results of those cases. Satisfaction surveys can also provide important data as a feedback mechanism for how well agencies are doing.

Members agreed:

1. To look at what other jurisdictions are doing to see if there is a good model, starting with the tool that Julie Ebato shared.
2. For everyone at the table to bring information on what data is being collected, with a written explanation or overview
3. From there, members could agree on a list of data that agencies would want to collect.

b) Bullet Point #4: Risk Matrix and Dangerousness Assessment: Using other site's model programs and best practices, develop a Risk Matrix and Specialized Dangerousness Assessment that all agencies and entities can utilize

Marci Lopes provided an update on the Coalition application submitted to Maryland for the danger assessment training tool, known as the Lethality Assessment Protocol. The Coalition met with Major Lawson to do some work on a timeline. The next step will be an interview with the Kauai Police Chief and the Oahu Police Chief and then HSCADV will be notified if the application is accepted, and next steps.

Major Lawson reported that he made contact with a Maryland point of contact and they are working to schedule an interview with the Honolulu Police Chief. HPD is hoping by end of this year or beginning of next year to have the Maryland Protocol, the Lethality Assessment Protocol assessment they intend to use, up and running within the department. That is HPD's hope and goal to achieve by end of year, beginning of next year if everything goes right.

c) Bullet Point #5: Policy and Procedures Coordination: All agencies and entities involved in domestic Violence work should meet regularly and have clear and open communication in order to coordinate policies and procedures.

Major Lawson reported that HPD meets or tries to meet monthly or quarterly with all DV advocates, whether HSCADV, or DVAC or Child and Family Services, to try and strengthen those partnerships and relationships. That is something that is ongoing, they are looking at how to move forward with different projects, and pilot projects and those types of things.

4. New Business: Legislative Goals for 2016 session. The purpose of this discussion was to find out what member agencies' individual legislative goals are with respect to DV, and to compile a collective list to present to the legislature and city council, when session starts.

Pamela Ferguson-Brey reported that CVCC was working on the issue of Address Confidentiality, assisted by people at the legislature. The AG is reviewing the bill because there are a lot of technical issues - on the back end of the bill which involves accepting notice for child custody issues, what state agencies have access to information, far beyond some of the expertise CVCC had in drafting the bill. The bill was modeled after Colorado legislation and is being pursued early in the process because of the technical issues involved. CVCC is also surveying what programs are considered the top ten address confidentiality programs in the country. She stressed the importance of not trying to implement a program without adequate resources.

CVCC is also represented on the Penal Code Review Committee: She will send out the four suggestions that DV organizations made, as the discussion progresses, and also ask for additional information. Those suggestions include creating a mandatory penalty for harassment offenses (these are offenses involving DV that have been bumped down), not allowing probation to be reduced, and mandating the Danger Assessment Tool.

Dennis Dunn reported that he had been working with CVCC on two pieces of legislation for the Penal Code Review Committee. One is to eliminate the exclusions for sexual assault in the third degree for married persons. Currently they are excluded and it creates a problem, creates a problem if you don't actually prove that the person was not married until after, the conviction may be overturned and that has happened. There is no justification whatsoever for having an exclusion for sexual contact between spouses that there has to be some kind of special pass that is given. It is an anachronism that has to be fixed in the Penal Code.

Marci Lopes reported that for the Coalition, the Crime Victims Bill of Right is the priority for the Survivor Committee. Members will need to poll their membership and see what priorities they want included in the bill.

Nanci Kreidman reported two ideas: One as a result of an inquiry DVAC received from a neighbor island that relates to prohibiting the granting of mutual restraining orders, which as a policy was considered ill advised. Judges had discussed this for a long time with the idea that unless both parties file a petition they don't grant a mutual restraining order. She reported that it appears things may be changing and that judges are

forgetting, or are not being taught, the importance of not granting mutual restraining orders, with regard to who needs the protection and how to empower the police to respond. Dennis Dunne agreed that mutual restraining orders are always an enforcement problem and that a number of states already have a prohibition on this. The second is to require a mandatory training on DV for all system agencies above and beyond what they currently do, so that the expectation is in this community that all of the people who are handling the cases, responding to crimes, or supporting survivors will have at least ten hours of basic training.

Maureen Kiehm reported that she would propose putting the topic of mutual restraining orders onto the symposium agenda in September.

Pamela Ferguson-Brey also reported that, if she was provided the language that DVAC wanted, she could try and get it into the Penal Code Committee review. Because there are a number of judges on the panel, bringing up the issue can be educational and can have a ripple effect.

Members discussed adding an agenda item for next meeting - to review the request for data and response received from the Department of the Prosecuting Attorney's office and from HPD.

5. Announcements: No new announcements were made.

6. Next Meeting Date: Monday, August 24, 2015 at 9:30 a.m., Council Committee Meeting Room.

7. Adjournment: The meeting was adjourned at 10:46 a.m.